



General Assembly

**Amendment**

January Session, 2007

LCO No. 9190

**\*HB0706309190HDO\***

Offered by:

REP. O'CONNOR, 35<sup>th</sup> Dist.

SEN. CRISCO, 17<sup>th</sup> Dist.

REP. FOX, 146<sup>th</sup> Dist.

To: Subst. House Bill No. 7063

File No. 256

Cal. No. 236

**"AN ACT REQUIRING DISCLOSURE OF LIABILITY INSURANCE  
POLICY LIMITS PRIOR TO THE FILING OF A CLAIM."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective January 1, 2008*) (a) A person who claims  
4 to have been physically injured in an accident where such injury may  
5 be covered under a policy of nonfleet private passenger automobile  
6 insurance may request, by certified mail directed to the insurance  
7 adjuster or to the insurance company at its last-known principal place  
8 of business, that the insurance company provide information  
9 regarding the limits of coverage under the applicable policy. Upon  
10 receipt of such request, which shall include the policyholder's name,  
11 date and time of the accident, and if available, the policy number, the  
12 insurance company shall notify such person within fifteen business  
13 days, on a form developed by the Insurance Department, that the  
14 insurer is required to provide such information prior to litigation only

15 if the person seeking the information satisfies the following conditions:

16 (1) Such person submits to the insurer the person's written consent  
17 to all the person's medical providers to release to the insurer the  
18 person's medical records for the ten years prior to the date on which  
19 the claim arose, as they pertain to the claimed injury; and

20 (2) Such person submits to the insurer a copy of the accident report  
21 issued on the date on which the claim arose and a description of the  
22 events at issue to permit the insurer to make an initial determination of  
23 the potential liability of its insured.

24 (b) Within thirty days of receiving the person's written documents  
25 as required under subsection (a) of this section, the insurer shall  
26 provide a statement issued by an authorized agent of the insurer  
27 stating the names of the insurer and insured and the policy limits for  
28 the applicable nonfleet private passenger automobile insurance policy.

29 (c) Disclosure of the policy limits pursuant to this section shall not  
30 (1) constitute an admission that the alleged injury is subject to the  
31 policy, (2) waive any defenses to coverage available to the insurer, or  
32 (3) be admissible in evidence."

This act shall take effect as follows and shall amend the following sections:		
Section 1	January 1, 2008	New section